



May 15, 2007 CPC
July 17, 2007 CPC
August 21, 2007 CPC
September 26, 2007 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

07SN0298

Kevin L. Floyd PE LS

Dale Magisterial District
Gates Elementary; Matoaca Middle; and Matoaca High Schools Attendance Zones
North line of Beach Road

- REQUESTS: I. Rezoning from Agricultural (A) to Residential (R-15).
II. Waiver to street connectivity requirements to Heathside Drive.

PROPOSED LAND USE:

Single family residential uses on lots with a minimum area of 30,000 square feet are planned (Proffered Condition 4). Development is limited to a maximum of thirty-eight (38) dwelling units yielding a density of 0.74 dwelling units per acre. (Proffered Condition 3)

PLANNING COMMISSION RECOMMENDATION

- I. RECOMMEND APPROVAL OF THE REZONING AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 THROUGH 5.
II. RECOMMEND APPROVAL OF THE WAIVER TO STREET CONNECTIVITY REQUIREMENTS.

STAFF RECOMMENDATION

Request I: Recommend approval of the rezoning subject to the applicant addressing the transportation concerns, as discussed herein for the following reasons:

- A. While the requested Residential (R-15) zoning would be appropriate to maintain consistency with existing land use patterns on property which serves as the

western-most edge of the area development and the proposed zoning and land use, as conditioned, are representative of existing area residential development, the proposal fails to provide a left turn lane along Beach Road to facilitate eastbound traffic entering the site.

- B. The proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

Request II: Recommend denial of the waiver to street connectivity requirements to Heathside Drive for the following reasons:

- A. Justification for granting this waiver has not been provided with this request. In addition, the evaluation of the Policy criteria for granting such relief necessitates design details that can best be evaluated through the subdivision review process.
- B. Failure to provide a public road connection, does not address health, safety and welfare concerns of the Fire Department.

(NOTE: THE ONLY CONDITION THAT MAY BE IMPOSED IS A BUFFER CONDITION. THE PROPERTY OWNERS MAY PROFFER OTHER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

The Developer (the "Developer") in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for himself and his successors or assigns, proffers that the development of the property known as Chesterfield County Tax Identification Numbers 764-662-3891, 763-661-7607 and 764-662-7481 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for R-15 is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffers and conditions shall be immediately be null and void and no further force or effect.

- (STAFF/CPC)
- 1. Cash Proffer. For each dwelling unit developed, the applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of a building permit for each

dwelling for infrastructure improvements within the service district for the Property:

- a. \$15,600 per dwelling unit if paid prior to July 1, 2007; or
- b. The amount approved by the board of Supervisors not to exceed \$15,600 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2006 and July 1 of the fiscal year in which the payment is made after June 30, 2007.
- c. Cash proffer payments shall be spent for purposes proffered or as otherwise permitted by law.
- d. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not in addition to, any impact fees, in a manner as determined by the County. (B&M)

(STAFF/CPC) 2. Dwelling Size. One- (1) story dwelling units shall have a minimum gross floor area of 2000 square feet, and dwellings with more than one (1) story shall have a minimum gross floor area of 2500 square feet. (P)

(STAFF/CPC) 3. Density. No more than thirty-eight (38) dwelling units shall be developed on the Property. (P)

(STAFF/CPC) 4. Minimum Lot Size. Lots shall be a minimum of 30,000 square feet in size. A minimum of 22,500 square feet of each lot shall be exclusive of flood plains, resource protection areas, easements in excess of fifty (50) feet in width and buffers. Such required lot area shall be contiguous to and inclusive of the building envelope and located adjacent to the required street frontage. Buffers shall not be included in lots. (P)

(STAFF/CPC) 5. No Access. No lots shall have vehicular access through Gates Bluff Subdivision. (P)

(STAFF/CPC) 6. Transportation.

- a. Prior to any site plan approval, in conjunction with recordation of the initial subdivision plat, or within sixty (60) days from a written request by the Transportation Department, whichever occurs first, forty-five (45) feet of right-of-way along the northern side of Beach Road,

measured from the centerline of that part of Beach Road immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.

- b. The developer shall provide the following improvements with initial development of the Property:
 - i. Construction of additional pavement along Beach Road at the approved public road intersection to provide a right turn lane;
 - ii. widening/improving the north side of Beach Road to an eleven (11) foot wide travel lane, measured from the centerline of the road, with an additional one (1) foot wide paved shoulder plus a seven (7) foot wide unpaved shoulder and overlaying the full width of the road with one and one half (1.5) inches of compacted bituminous asphalt concrete, with modifications approved by the Transportation Department, for the entire Property frontage; and
 - iii. dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified above. In the event the developer is unable to acquire the “off-site” right-of-way that is necessary for the road improvements described in this Proffered Condition, the developer may request, in writing, that the County acquire such right-of-way as a public road improvement. All costs associated with the acquisition of the right-of-way shall be borne by the developer. In the event the County chooses not to assist the developer in acquisition of the “off-site” right-of-way, the developer shall be relieved of the obligation to acquire the “off-site” right-of-way and shall provide the road improvements within available right-of-way as determined by the Transportation Department.
- c. Direct vehicular access from the Property to Beach Road shall be limited to one (1) public road located at the western property line. (T)

(STAFF/CPC)

- 7. Timbering. With the exception of timbering which has been approved by the Virginia State Department of Forestry for the

removal of dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices have been installed. (EE)

- (STAFF/CPC) 8. Notification of Site Plan. The developer shall be responsible for notifying, in writing, of the submission of a conceptual subdivision plan to the last known President on file with the County Planning Department of the Gates Bluff Homeowners' Association, no later than twenty-one (21) days prior to approval or disapproval of the plan. The developer shall provide a copy of the notification letter to the Planning Department. (P)

GENERAL INFORMATION

Location:

North line of Beach Road, west of Gates Bluff Drive. Tax IDs 763-661-Part of 7607; 764-662-Part of 3891 and 7481.

Existing Zoning:

A

Size:

51.2 acres

Existing Land Use:

Vacant/wooded

Adjacent Zoning and Land Use:

North, South and West – A; Single family residential, public/semi-public (Pocohontas State Park) or vacant
East – R-15; Single family residential (Gates Bluff Subdivision)

UTILITIES

Public Water System:

There is an existing sixteen (16) inch water line extending along the north side of Beach Road that terminates approximately fifty (50) feet east of this site. Use of the public water system is required by County Code.

Public Wastewater System:

There are no existing wastewater lines available for extension to serve this site. This site is within the area designated by the Southern and Western Plan of anticipated R-88 zoning where the use of private septic systems is permitted.

Health Department:

Prior to recordation of the subdivision plat, soils analysis for each lot must be submitted to the Health Department for review and approval.

ENVIRONMENTAL

Drainage and Erosion:

The subject property drains both to the east through the adjacent Gates Bluff Subdivision and to the north to Swift Creek. There are currently no on- or off-site drainage or erosion problems and none are anticipated. At time of tentative subdivision review, staff will look at the location of both the structure and septic locations as to its relationship to the steep slopes along Swift Creek.

The property is wooded and, as such, should not be timbered without the developer first obtaining a land disturbance permit from the Department of Environmental Engineering and installing the appropriate control devices. (Proffered Condition 7)

Water Quality:

Swift Creek to the north is a perennial stream and, as such, is subject to a 100 foot conservation area inside of which uses are very limited.

PUBLIC FACILITIES

The need for fire, school, library, park and transportation facilities is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program. This development will have an impact on these facilities.

Fire Service:

The Public Facilities Plan indicates that fire and emergency medical service (EMS) calls are expected to increase forty-four (44) to seventy-eight (78) percent by 2022. Six (6) new fire/rescue stations are recommended for construction by 2022 in the Plan. In addition to the six (6) new stations, the Plan also recommends the expansion of five (5) existing stations.

Based on twenty-seven (38) dwelling units, this request will generate approximately ten (10) calls for fire and emergency medical service each year. The applicant has offered

measures to assist in addressing the impact of this development on fire and EMS. (Proffered Condition 1)

The Airport Fire Station, Company 15, currently provides fire protection and emergency medical service. When the property is developed, the number of hydrants, quantity of water needed for fire protection, and access requirements will be evaluated during the plans review process.

Schools:

Approximately twenty (20) (Elementary: 9, Middle: 5, and High: 6) students will be generated by this development. Currently, this site lies in the Gates Elementary School attendance zone: capacity - 715, enrollment - 880; Matoaca Middle School zone: capacity - 1,415, enrollment - 1,058; and Matoaca High School zone: capacity - 1,594, enrollment - 1,681. The enrollment is based on September 29, 2006, and the capacity is as of 2006-2007. This request will have an impact on the elementary and high school levels. There are currently nine (9) trailers at Gates Elementary and four (4) at Matoaca Middle.

This case combined with other residential developments and zoning cases in the area, will continue to push these schools over capacity, necessitating some form of relief in the future. The applicant has addressed the impact of the development on schools. (Proffered Condition 1)

Libraries:

Consistent with Board of Supervisors' Policy, the impact of development on library services is assessed county-wide. Based on projected population growth, the Chesterfield County Public Facilities Plan (2004) identifies a need for additional library space throughout the County. Development of property in this area of the County would most likely affect the Central Library. The applicant has offered measures to assist in addressing the impact to this development on libraries. (Proffered Condition 1)

Parks and Recreation:

The Public Facilities Plan identifies the need for three (3) new regional parks, seven (7) community parks, twenty-nine (29) neighborhood parks and five (5) community centers by 2020. In addition, the Public Facilities Plan identifies the need for ten (10) new or expanded special purpose parks to provide water access or preserve and interpret unique recreational, cultural or environmental resources. The Plan identifies shortfalls in trails and recreational historic sites. The applicant has offered measures to assist in addressing the impacts on Parks and Recreation. (Proffered Condition 1)

Transportation:

The property is located on the north side of Beach Road, adjacent to the Gates Bluff Subdivision. The applicant is requesting rezoning from Agricultural (A) to Residential (R-15) and has proffered a maximum density of thirty-eight (38) dwelling units (Proffered Condition 3), which is anticipated to generate approximately 430 average daily trips. These trips would be distributed to Beach Road, which had a 2006 traffic count of 7,729 vehicles per day. Based on the volume of traffic it carried during peak hours, Beach Road in this area was at capacity (Level of Service E). The traffic impact of this development must be addressed. The applicant should proffer to construct a left turn lane along Beach Road to facilitate eastbound traffic entering the site. When asked, the applicant was not willing to provide this improvement. If a left turn lane is not provided then the probability of rear-end accidents will increase at the proposed public road intersection and the safety of the Beach Road corridor will be compromised. Staff cannot support this request unless the applicant commits to provide a left turn lane along Beach Road in conjunction with development of the property.

The Thoroughfare Plan identifies Beach Road as a major arterial with a recommended right of way width of ninety (90) feet. The applicant has proffered to dedicate forty-five (45) feet of right of way adjacent to the property in accordance with this Plan. (Proffered Condition 6.a)

Access to major arterials such as Beach Road should be controlled. The applicant has proffered to limit access from the property to Beach Road to one (1) public road at the western property line (Proffered Condition 6.c). The distance between this proposed public road and Kimlynn Trail, which is currently under construction on the south side of Beach Road, will be approximately 500 feet. Staff typically recommends that public road intersections along major arterials be located farther apart; however, in this instance, the existence of Pocahontas State Park to the west precludes the possibility of providing greater separation between the two roads and also ensures that additional public roads will not be constructed immediately to the west. Based on these unique circumstances, staff can support the proposed public road access to Beach Road with only 500 feet between it and Kimlynn Trail.

The traffic impact of this development must be addressed. As stated earlier, the applicant should proffer to construct a left turn lane along Beach Road at the proposed public road intersection. The applicant has proffered to construct a right turn lane along Beach Road, improve the north side of Beach Road for the entire property frontage and dedicate any additional right of way required to provide these improvements (Proffered Condition 6.b). In order to provide the right turn lane along Beach Road, some off-site right-of-way may be required. According to Proffered Condition 6.b.iii, if the developer needs off-site right-of-way for construction of the turn lane, and is unable to acquire it, the developer may request the county to acquire the right-of-way as a public road improvement. If the county chooses not to assist with the right-of-way acquisition, the developer will not be obligated to acquire the off-site right-of-way and will only be obligated to construct road improvements within available right-of-way.

Area roads need to be improved to address safety and accommodate the increase in traffic generated by this development. Traffic generated by this development will travel along Beach Road. Sections of Beach Road have little or no shoulders, fixed objects adjacent to the edge of pavement, and horizontal alignments. The applicant has proffered to contribute cash, in an amount consistent with the Board of Supervisors' Policy, towards mitigating the traffic impact of this development (Proffered Condition 1). There are no projects in this area currently included in the VDOT Six-Year Improvement Program.

Staff cannot support this request without a commitment to provide a left turn lane along Beach Road at the public road intersection.

Financial Impact on Capital Facilities:

		PER UNIT
Potential Number of New Dwelling Units	38*	1.00
Population Increase	103.36	2.72
Number of New Students		
Elementary	8.85	0.23
Middle	4.94	0.13
High	6.42	0.17
TOTAL	20.22	0.53
Net Cost for Schools	203,224	5,348
Net Cost for Parks	22,952	604
Net Cost for Libraries	13,262	349
Net Cost for Fire Stations	15,390	405
Average Net Cost for Roads	339,796	8,942
TOTAL NET COST	\$594,624	\$15,648

* Based on a proffered maximum number of units. The actual number of dwelling units and corresponding impact may vary.

As noted, this proposed development will have an impact on capital facilities. Staff has calculated the fiscal impact of every new dwelling unit on schools, roads, parks, libraries, and fire stations at \$15,648 per unit. The applicant has been advised that a maximum proffer of \$15,600 per unit would defray the cost of the capital facilities necessitated by this proposed development. Consistent with the Board of Supervisors' policy, and proffers accepted from other applicants, the applicant has offered cash to assist in defraying the cost of this proposed zoning on such capital facilities.

Note that circumstances relevant to this case, as presented by the applicant, have been reviewed and it has been determined that it is appropriate to accept the maximum cash proffer in this case.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Southern and Western Area Plan which suggests the property is appropriate for residential use of 1-5 acre locates, suited to R-88 zoning.

The land use designations established in the Plan were based, in part, upon the anticipated availability of public utilities to serve properties. Recommendations for R-88 zoning are made for areas where there is no public sewer to serve properties in this area. Since public sewer is not available to the request property, development of the property would be served by individual septic systems. Further, the request property is located within an area of the Plan bounded to the north and east by the location of a Resource Protection Area (RPA) and to the west by Pocahontas State Park. Immediately adjacent to the east is a development on property zoned R-15, known as Gates Bluff Subdivision. The Gates Bluff development was zoned in 1988, prior to the adoption of the Plan, and is developed on individual septic systems. The Gates Bluff development, which encompasses the remainder of suggested R-88 area of the Plan north of Beach Road, serves as the eastern edge of this area suggested for R-88 zoning. Given that the request property represents the western-most edge of this area, the requested R-15 zoning would be appropriate in maintaining consistency with existing land use patterns.

Area Development Trends:

Surrounding properties to the north, south and west are zoned Agricultural (A) and are occupied by single family residential use on acreage parcels, public/semi-public use (Pocahontas State Park) and are vacant. Properties to the east are zoned Residential (R-15) and are occupied by single family residential use within Gates Bluff Subdivision.

Density and Lot Size:

Development would be limited to a maximum of thirty-eight (38) dwelling units yielding a density of approximately 0.74 dwelling units per acre (Proffered Condition 3). In addition, Proffered Condition 4 would require each lot to have a minimum area of 30,000 square feet. It is important to note that the Subdivision Ordinance requires developments utilizing individual septic systems to have an overall average lot size of 40,000 square feet. Within such developments, a maximum of ten (10) percent of the lots may have a minimum lot area of 30,000 square feet.

To address concerns of the Dale District Planning Commissioner relative to reserving portions of lots outside of encumbrances such as flood plains, resource protection areas, easements and buffers, Proffered Condition 4 establishes a minimum lot area exclusive of these areas.

Dwelling Size:

Proffered Condition 2 would establish a minimum gross square footage for each dwelling.

Buffers:

The lots within this development are subject to the Subdivision Ordinance requirements for buffers. The integrity of these buffers is often compromised when located on individual lots. Proffered Condition 4 requires buffers to be located outside of lots, in recorded open space.

Street Connectivity:

An exception to the “Residential Subdivision Connectivity Policy” is requested so as to preclude any road connections to Heathside Drive (Proffered Condition 5). In addition to promoting fire and emergency services safety, subdivision road connections provide interconnectivity between residential developments, thereby reducing congestion along collector and arterial roads and providing a convenient and safe access to neighboring properties.

The “Policy” allows the Board, through the Commission’s recommendation, to waive the requirement for streets in new subdivisions to connect to adjacent public streets that are designed as local streets, residential collectors and thoroughfare streets. Staff must evaluate this waiver based upon three (3) criteria: (1) there must be a sufficient number of other stub streets to adequately disperse traffic and not cause a concentrated use of any one (1) stub street; or (2) the connection to a particular stub will cause concentrated traffic at that location; (3) the projected traffic volume on any one (1) local street within an existing subdivision exceeds 1,500 vehicle trips per day.

Without additional design information relative to road layout, staff cannot determine if the criteria for granting such a waiver can be met. Therefore, it is recommended that this waiver not be granted at this time and that consideration of this waiver be evaluated during the plans review process when more detail is available.

Adjacent Property Owner Notification:

Proffered Condition 8 requires the developer to notify the Gates Bluff Subdivision Homeowners’ Association of submission of any tentative subdivision plans to the County.

CONCLUSIONS

Although the request lies within the Southern and Western Area Plan which suggests the property is appropriate for residential use of 1-5 acre lots suited to R-88 zoning, the requested Residential (R-15) zoning would be appropriate to maintain consistency with existing land use

patterns on property which serves as the western-most edge of the area development. Further, as conditioned, the proposed zoning and land use are representative of existing area residential development. However, the proposal fails to provide a left turn lane along Beach Road to facilitate eastbound traffic entering the site to address the Transportation Department's concerns.

In addition, the proffered conditions adequately address the impacts of this development on necessary capital facilities, as outlined in the Zoning Ordinance and Comprehensive Plan. Specifically, the needs for roads, schools, parks, libraries and fire stations is identified in the Public Facilities Plan, the Thoroughfare Plan and the Capital Improvement Program, and the impact of this development is discussed herein. The proffered conditions mitigate the impact on capital facilities, thereby insuring adequate service levels are maintained and protecting the health, safety and welfare of County citizens.

Given these considerations, Staff recommends approval of rezoning subject to the applicant addressing the transportation concerns as discussed herein.

Staff recommends denial of the waiver to street connectivity. The application fails to address connectivity per the Board's adopted "Residential Subdivision Connectivity Policy", as discussed herein. Evaluation of the Policy criteria for granting such relief necessitates design detail that can best be evaluated through the subdivision review process.

CASE HISTORY

Planning Commission Meeting (5/15/07):

At the request of the applicant, the Commission deferred this case to July 17, 2007.

Staff (5/16/07):

The applicant was advised in writing that any significant, new or revised information should be submitted no later than May 21, 2007, for consideration at the Commission's July 17, 2007, public hearing.

Also, the applicant was advised that a \$250.00 deferral fee must be paid prior to the Commission's public hearing.

Applicant (5/19/07):

The request was amended and revisions to proffered conditions were submitted.

Applicant (7/2/07):

Revisions to proffered conditions were submitted.

Applicant (7/12/07):

The deferral fee was paid.

Applicant (7/16/07 and 7/17/07):

Revisions to the proffered conditions were submitted.

Planning Commission Meeting (7/17/07):

The applicant did not accept the recommendation. There was support present indicating that the waiver to street connectivity requirements would alleviate traffic concerns from the development on Gates Bluff residents.

Mr. Wilson expressed support indicating the turn lane warrants could best be determined during subdivision review.

Mr. Bass expressed concerns relative to traffic impacts on Beach Road.

Mr. Wilson made a motion to recommend approval. His motion was seconded by Mr. Gecker. A vote on the motion was as follows:

AYES: Messrs. Gecker and Wilson

NAYES: Messrs. Gulley and Bass

Due to a lack of a majority vote, the case was carried over to the Commission's August 21, 2007, meeting.

Applicant (7/24/07):

Revisions to proffered conditions were submitted.

Planning Commission Meeting (8/21/07):

The applicant did not accept the recommendation, but did accept the Planning Commission's recommendation. There was no opposition present.

Mr. Litton stated the determination regarding the need for a left turn lane would best be made during subdivision plan review.

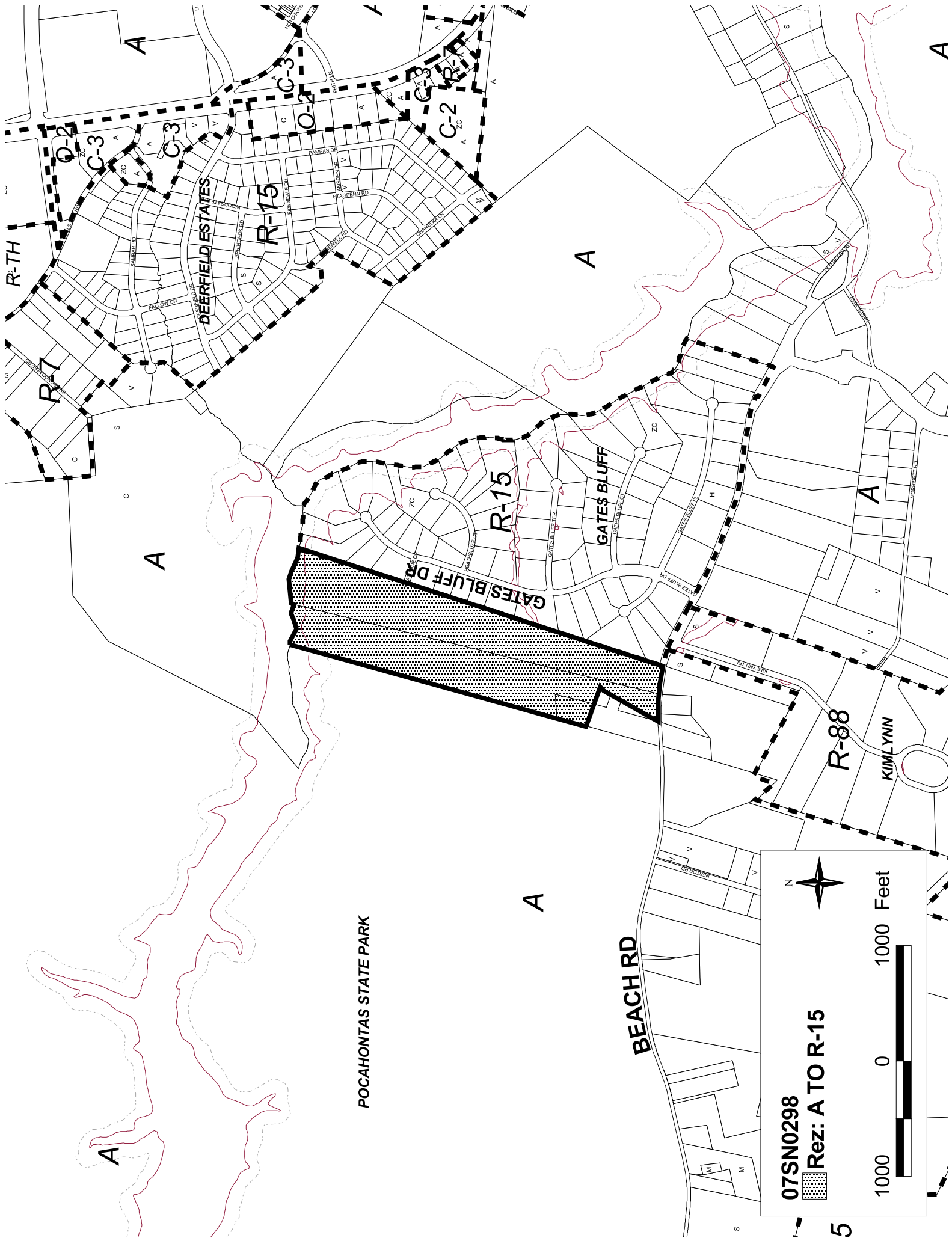
On motion of Mr. Litton, seconded by Mr. Wilson, the Commission recommended approval of the rezoning and acceptance of the proffered conditions on pages 2 through 5.

AYES: Messrs. Gecker, Gulley, Bass, Litton and Wilson.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission recommended approval of a waiver to street connectivity requirements.

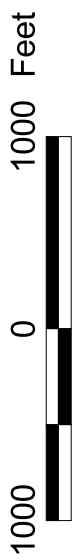
AYES: Messrs. Gecker, Gulley, Bass, Litton and Wilson.

The Board of Supervisors, on Wednesday, September 26, 2007, beginning at 6:30 p.m., will take under consideration this request.



07SN0298

Rez: A TO R-15



POCAHONTAS STATE PARK

BEACH RD

R-88

KIMLYNN

R-15

GATES BLUFF

GATES BLUFF DR

DEERFIELD ESTATES

R-15

R-7

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